

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

Planning Board Report

To: Auburn Planning Board

From: Eric J. Cousens, Director of Planning and Permitting

Re: 292 Court Street –Subdivision and Office to Residential Conversion

Date: September 11, 2012

I. PROPOSAL

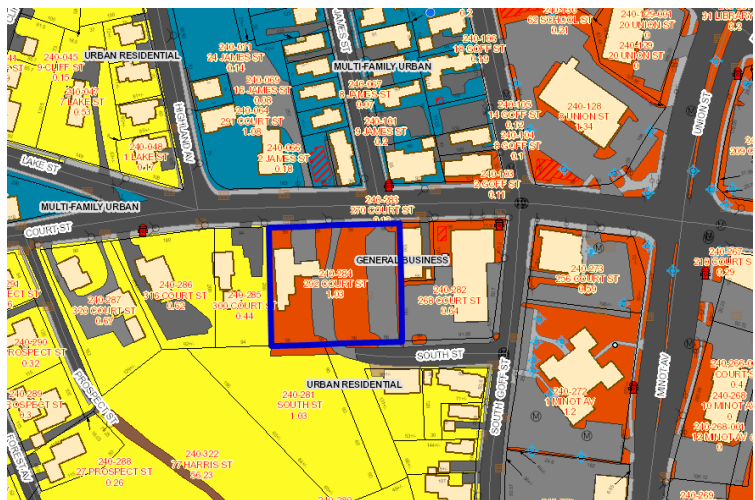
The applicant, Tim Lachapelle, agent for Chapel Holdings LLC, is seeking approval to convert office space to as many as 15 residential units at 292 Court Street (PID# 240-284), pursuant to Chapter 60, Section 60-499(a)(1) of the City of Auburn Ordinances and State and Local Subdivision Requirements.

The chapter and verse refer to the following:

1. Chapter 60, Section 60-499(a)1: Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 9 of article IV of this chapter).
2. Chapter 60, Section 60-306(a)8: Newly constructed multifamily dwellings and existing structures expanded to contain three or more additional dwelling units within a five-year period, provided that they are approved by the planning board as a subdivision under division 4 of article XVI of this chapter.
3. Chapter 60, Article XVI, Division 4 – Subdivision.

City records indicate that property was formerly used as office space for a number of different businesses. Over time some of the office units have been converted to residential units without review or permitting. It is our understanding that property has been well kept, but the improvements to accommodate the residential units have been minimal. The current proposal identifies the possibility of up

to 15 residential units within the existing building. Initially, the applicant wishes to legitimize the



existing nine units and make the physical improvements necessary to bring the building up to the code requirements for a multi-family structure. Over time they will evaluate the viability of the remaining six spaces within the building and convert some or all of them from the current approved office use to residential units. There is no mechanism in the code to evaluate an after-the-fact proposal differently than a brand new proposal so the Board should assume the current use is as an office building and evaluate the proposal to create residential units in accordance with the subdivision standards of the ordinance.

The lot is located to the west of intersection of Minot Avenue, Union Street and Court Street on the map and is within a General Business (GB) zoning district. The existing building was home to Harriman Associates, Provider Financial and other office uses in the past and a second building on the lot was home to AAA Power Rooter, a drain cleaning service.

The proposal includes 39 existing parking spaces. The current use of the property as an office, if proposed today, would require 56 parking spaces but the use is legally existing and non-conforming with respect to parking. The proposed use of the property for 9 residential units and as many as six commercial spaces requires 38 parking spaces. If all 15 units are converted to residential use the ordinance would require 23 parking spaces. The proposed parking exceeds the requirements for either proposed use scenario and is an improvement over full office use. The existing parking and building areas will not change and stormwater drainage is adequate.

The building is served by both water and sewerage services and can continue to be served with the proposed residential use.

The comprehensive plan and future land use map designates the property as Limited Business Development (LBD) with the following standards:

Limited Business Development District (LBD)

Objective – Allow for the development and redevelopment of small and moderate scale nonresidential uses in areas that have good vehicle access and are served or can be served by public water and sewerage (see Figures 2.3, 2.4, and 2.5). Since these districts are often located adjacent to existing residential neighborhoods or residentially zoned areas, the allowed uses and development standards are intended to assure that activity within these districts have minimal adverse impact on the adjacent residential areas. In addition to nonresidential activity, the Limited Business Development District should allow for both existing and new residential uses at a density of up to 10-12 units per acre.

Allowed Uses – The following general types of uses should be allowed in the Limited Business Development District:

- small and moderate size retail uses (<40,000 square feet)
- personal and business services
- business and professional offices
- restaurants excluding drive-thru service
- hotel, motels, inns, and bed & breakfast establishments
- residential uses (including single and two-family, townhouses, and multi-family)

housing)

- community services and government uses
- small and moderate size (<20,000 square feet) fully-enclosed research, light manufacturing, assembly, and wholesale uses
- contractors and similar activities
- motor vehicle service
- motor vehicle sales limited to a subordinate or accessory use where the principal use is motor vehicle service
- recreational uses and facilities

Development Standards – The focus of the City’s development standards for the Limited Business Development District should be on assuring that new development or redevelopment/expansion of existing uses is done in a manner the results in well designed, attractive projects that minimize the potential for undesirable impacts. To ensure that redevelopment/conversion of residential buildings to nonresidential uses is compatible with the design and character of the community, these projects should require site plan review. The review standards should include provisions to manage the amount and location of vehicular access to the site, minimize stormwater runoff and other potential environmental impacts, require an attractive treatment along the boundary between the lot and the street, and provide for the buffering of adjacent residential districts. Multifamily housing and townhouse style development should be allowed at a density of up to 10-12 units per acre, while single and twofamily housing should be allowed at a density of up to 6-8 units per acre. Conversion of older single family units to duplexes is encouraged, as well as the full utilization of all established units within multi-unit buildings, provided that the building will be renovated and meet the City’s requirements for residential units, including the provision of appropriate parking and green space.

Staff believes that the proposal is consistent with the City’s Zoning Ordinance and Comprehensive Plan.

II. DEPARTMENT REVIEW

Police Department:

No concerns.

Fire Department:

Building review will be completed with building permit process.

Water and Sewer District:

The proposed redevelopment will be served by the public water distribution system and public wastewater disposal system. This project will have a minimal impact on the public water and sewer system.

Engineering Department:

No Concerns.

Public Works / Traffic:

No Comments.

III. FINDINGS FOR SPECIAL EXCEPTION REVIEW:

- A. The special exception requirements are at least as stringent as the requirements of State Subdivision Law and the project can be reviewed as a special exception under local ordinances.
- B. The Zoning Ordinance contains no specific requirements for a residential use similar to that being proposed.
- C. The Special Exception sought will not create or aggravate a traffic hazard, a fire hazard or any other safety hazard.
- D. The proposed Special Exception sought will not block or hamper the Master Development Plan pattern of highway circulation or of planned major public or semi-public land acquisition.
- E. The subject property is situated in a GB district and the proposed use is consistent with this zoning classification. The proposed residential use is compatible with the surrounding uses. The exception sought will not alter the essential characteristics of the neighborhood and will not tend to depreciate the value of the property adjoining and neighboring the property under application.
- F. The development being proposed is on existing lots.
- G. The standards imposed are, in all cases, at least as stringent as those elsewhere imposed by the Auburn Building Code and by the provisions of Chapter 60.
- H. All essential city services, which will be required for the project, are presently available or can be made available without disrupting the City's Comprehensive Plan.
- I. The proposal meets the objectives and intent of Site Plan Review.
 - 1. The design and layout of the proposed development will constitute suitable development and will not result in a detriment to City, neighborhood or the environment.
 - 2. The proposal will protect adjacent areas against detrimental or offensive uses on the site by provision of: adequate surface water drainage, buffers against artificial and reflected light, sight, sound, dust and vibration; and preservation of light and air; and
 - 3. The proposal allows for convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas; and

4. The proposal provides adequate methods of disposal for wastes; and
5. The proposal provides for protection of environment features on the site and in adjacent areas and contains adequate landscaping.

J. It has been determined that the proposed project satisfies the objectives of Special Exception review and will constitute a suitable development and will not result in a detriment to the neighborhood or the environment. This determination is based upon the above noted findings.

IV. FINDINGS FOR SUBDIVISION REVIEW

The proposed development:

1. Will not result in undue water, air or noise pollution. In making this determination the Planning Board has considered:
 - a. The elevation of land above sea level and its relation to the floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal;
 - b. The slope of the land and its effect on effluents;
 - c. The availability of streams for disposal of effluents; and
 - d. The applicable state and local health and water resources regulations, including stormwater management requirements in accordance with section 60-1301(14);
2. Has sufficient water available for the reasonably foreseeable needs of the subdivision;
3. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;
4. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
5. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;
6. Will provide for adequate sewage waste disposal;
7. Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;
8. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas;
9. Is in conformance with a duly adopted subdivision regulation, ordinance and comprehensive plan;
10. Is funded by the applicants who has adequate financial and technical capacity to meet the standards of this section;

11. Will not adversely affect the character of the surrounding neighborhood and will not tend to depreciate the value of property adjoining the neighboring property under application;
12. Has provisions for on site landscaping that are adequate to screen neighboring properties from unsightly features of the development;
13. Will not create a fire hazard and has provided adequate access to the site for emergency vehicles;
14. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;
15. Does not have long-term cumulative effects of the proposed subdivision will that unreasonably increase a great pond phosphorus concentration during the construction phase and life of the proposed subdivision.

V. RECOMMENDATION:

Based upon the findings noted above, Staff recommends that the Planning Board approve the proposed Special Exception and Subdivision Request of the applicant, Tim Lachapelle, agent for Chapel Holdings LLC, to convert office space to as many as 15 residential units at 292 Court Street (PID# 240-284), pursuant to Chapter 60, Section 60-499(a)(1) of the City of Auburn Ordinances and State and Local Subdivision Requirements, with the following conditions:

- A. The building shall meet or exceed the National Fire Protection Association and the American Insurance Association's fire prevention codes and any state/local codes, regulations or ordinances.
- B. Any dumpster or other outdoor waste facilities shall be kept within a screened area.
- C. The owner shall obtain all required after-the-fact and new building, plumbing and electrical permits and provide required stamped plans.
- D. Plan approval is also conditioned upon compliance by the applicant with the plans and specifications which have been received by the Planning Board in connection with the development proposal.

Eric Cousens
City Planner